

UNITED STATES DISTRICT COURT

for the
District of Delaware

United States of America

v.

Herbert S. White, Jr.

Case No. 16- 07M

Defendant

CRIMINAL COMPLAINT

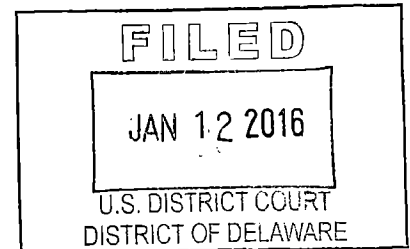
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 09/05/2014 in the county of New Castle in the _____ District of
Delaware, the defendant violated 29 U. S. C. § 501(c)
, an offense described as follows:

the defendant, while the Financial Secretary of Steelworkers Local 8936, a labor organization engaged in an industry affecting interstate commerce and subject to the Labor-Management Reporting and Disclosure Act of 1959, did unlawfully and willfully embezzle and convert to his own use the money and funds of the said labor organization on multiple occasions in the total amount of \$24,287.

This criminal complaint is based on these facts:

see attached affidavit



☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 1/12/16

City and state: Wilmington, DE

Dona Thompson
Complainant's signature

Dona Thompson, DOL
Printed name and title


Christopher J. Burke
Judge's signature

Hon. Christopher J. Burke, U. S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Dona Thompson, being duly sworn, depose and state as follows:

1. I am a Senior Investigator for the U.S. Department of Labor, Office of Labor Management Standards (OLMS) and have been employed as an Investigator for the last approximately 15 years. During my employment, I have investigated violations involving embezzlement of union funds.
2. Steelworkers Local 8936 located in Wilmington, DE is a labor organization as defined by Section 3(i) of the Labor Management Reporting and Disclosure Act of 1959 (LMRDA). Most members are employed at IKO Industries located in Wilmington, DE.
3. Herbert S. White, Jr. served as Steelworkers Local 8936 Financial Secretary from approximately 2004 through October 2014. White was an authorized signatory on the union's bank account with M & T Bank. White had custody and control of the union checkbook at his residence.
4. On or around October 2014, an auditor with Steelworkers International conducted an audit of the local's finances. The audit disclosed several unauthorized union checks made payable to White.
5. OLMS' investigation revealed that during the period of August 22, 2008 through September 5, 2014, White embezzled union funds when he converted \$25,534.69 to his personal use by writing and cashing 59 unauthorized union checks payable to himself in violation of 29 U.S.C. 501(c). During the period within the statute of limitations White converted \$24,287.93 to his personal use.
6. OLMS' investigation also revealed that during the same time period, White falsified union records that he was required to maintain when he intentionally made false entries on the check memo portion of 37 union checks and when he made false entries in the union's disbursement journal to conceal the embezzlement. White also made false entries on the union's LM-3 reports by under-reporting the payments he received.
7. On March 27, 2015, White admitted to the international auditor to taking union funds without authorization for his personal use.
8. On October 14, 2015, White admitted to OLMS to taking union funds without authorization for his personal use, making false entries on union records, and filing false LM-3 reports with the Secretary of Labor. White admitted what he did was wrong and provided a signed statement. He accepts responsibility for his actions.
9. Based on the above facts, I believe that there is probable cause to believe that in the District of Delaware, Herbert S. White, Jr., did knowingly commit offenses against the United States, that is to embezzle union funds in violation of Title 29, United States Code, Section 501(c), provide false reports to the Secretary of Labor in violation of Title 29, United States Code, Section 439(b) and maintain false records in violation of Title 29, United States Code, Section 439(c).


Dona Thompson, DOL